

Message Text

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PAGE 01 STATE 151796

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ARA/NC- MR. MAISTO SUB
CAB - MR. PARROTT (SUB)
L/EB - MR. GAITHER(DRAFT)

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FM SECSTATE WASHDC
TO AMEMBASSY BOGOTA
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E.O. 11652: N/A
TAGS: ETRN, AREG, CO
SUBJECT: CIVAIR - CURRENT REGS FOR OVERFLIGHT/LANDING
OF PRIVATE AIRCRAFT
REF: BOGOTA 5848

1. AIRCRAFT OWNERS AND PILOTS ASSOCIATION (AOPA) DISTURBED
BY GOC POSITION REFTEL THAT FLIGHTS BY EXECUTIVE AIRCRAFT
ARE COMMERCIAL RATHER THAN PRIVATE AND ASKED DEPARTMENT'S
ASSISTANCE IN CLARIFYING MATTER.

2. INTERNATIONAL FLIGHTS BY PRIVATE AIRCRAFT ARE
CONTEMPLATED BY TERMS OF ARTICLE 5 OF THE CONVENTION ON
INTERNATIONAL AVIATION (CHICAGO, 1944) WHICH
PROVIDES, INTER ALIA, THAT:

"EACH CONTRACTING STATE AGREES THAT ALL AIRCRAFT OF THE
OTHER CONTRACTING STATES, BEING AIRCRAFT NOT ENGAGED IN
SCHEDULED INTERNATIONAL AIR SERVICES SHALL HAVE THE RIGHT,
SUBJECT TO THE OBSERVANCE OF THE TERMS OF THIS CONVENTION,
TO MAKE FLIGHTS INTO OR TRANSIT NON-STOP ACROSS ITS

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PAGE 02 STATE 151796

TERRITORY AND TO MAKE STOPS FOR NON-TRAFFIC PURPOSES WITHOUT

THE NECESSITY OF OBTAINING PRIOR PERMISSION, AND SUBJECT TO THE RIGHT OF THE STATE FLOWN OVER TO REQUIRE LANDING".

3. ARTICLE 5 ALSO STIPULATES THAT SUCH AIRCRAFT, IF

ENGAGED IN CARRIAGE OF PASSENGERS, CARGO OR MAIL FOR REMUNERATION OR HIRE ON OTHER THAN SCHEDULED INTERNATIONAL AIR SERVICES MAY HAVE THE PRIVILEGE OF TAKING ON OR DISCHARGING PASSENGERS, CARGO, OR MAIL, SUBJECT TO THE RIGHT OF ANY STATE WHERE SUCH EMBARKATION OR DISCHARGE TAKES PLACE TO IMPOSE SUCH REGULATIONS, CONDITIONS, OR LIMITATIONS AS IT DESIRES.

4. AOPA POINTS OUT THAT FLIGHTS BY ORGANIZATIONS' MEMBERS DO NOT MEET DEFINITION OF ARTICLE 5 (PAR. 3, ABOVE) OR DEFINITION IN IFIM ENTRY FOR COLOMBIA OF NON-SCHEDULED COMMERCIAL FLIGHTS BECAUSE SUCH FLIGHTS ARE NOT OPERATED FOR REMUNERATION OR HIRE.

5. WHILE IN COLOMBIA EXECUTIVE AIRCRAFT OWNED BY COMPANIES MAY BE CONSIDERED TO BE COMMERCIAL WE DO NOT BELIEVE IT APPROPRIATE TO APPLY THIS DOMESTIC STANDARD TO FOREIGN-REGISTERED AIRCRAFT ENGAGED IN PRIVATE INTERNATIONAL FLIGHTS WHICH MAY, IN SOME CASES, ONLY MAKE TRANSIT STOPS IN, OR BRIEF VISITS TO, THAT COUNTRY. INsofar AS RECIPROCITY CONCERNED, PRIVATE FLIGHTS BY COLOMBIAN REGISTERED AIRCRAFT WHICH ARE NOT OPERATED FOR COMPENSATION OR HIRE MAY OPERATE TO AND WITHIN THE US WITHOUT NECESSITY OF SECURING PRIOR APPROVAL OF US CAB.

6. FYI: SIMILAR PROBLEM ON STATUS U.S. REGISTERED EXECUTIVE AIRCRAFT AROSE APPROXIMATELY THREE YEARS AGO IN VENEZUELA. HOWEVER, SINCE OCTOBER, 1973, GOV HAS TREATED FLIGHTS BY US REGISTERED EXECUTIVE AIRCRAFT AS PRIVATE. END FYI.

7. EMBASSY REQUESTED TAKE UP THIS MATTER AGAIN WITH APPROPRIATE GOC AUTHORITIES AND ADVISE. KISSINGER

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